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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,837	04/05/2004	Tetsuya Sadowara	036741-0132	2699
22428	7590	04/23/2007	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			CRUZ, IRIANA	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/816,837	SADOWARA, TETSUYA
	<b>Examiner</b>	<b>Art Unit</b>
	Iriana Cruz	2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07/18/2003.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4 and 5 is/are rejected.  
 7) Claim(s) 1-3 and 5-7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08/11/2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/05/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. Figures 4-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claims 1 and 5 are objected to because of the following informalities: both claims recite: "gives a color code representing an element color which is being subjected to transferring". This language does not clearly convey the Applicant's invention. As best understood by the examiner it relates to a description in the specification on page 11, lines 1-5. For better clarity the examiner suggest to correct the above language to - - [[gives]] supplies a color code representing an element color, which is being subjected to transferring, to the image processing means - -.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2609

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Moriyama, US 2002/0030846.

With respect to claims 1 and 5 AAPA discloses a color image forming apparatus (see FIG. 5) in which images of a plurality of element colors are sequentially transferred to form a color image (as in FIG. 4), the color image forming apparatus comprising control means (CPU) for giving control data to be used for processing control of the image data associated with the element color; a plurality of temporary storage means (RAM/REGISTER units), each being provided for each of the element colors (C, M, Y, K) and temporarily storing control data supplied from the control means in an address of its own obtained on the basis of the address supplied from the control means; writing selection means (CHIP SELECT SIGNAL GENERATING UNIT) which generates, on the basis of the address supplied from the control means, the selection signal which selects one of the plurality of temporary storage means; image processing means (IMAGE PROCESSING UNITS) which processes, on the basis of the control data stored in the plurality of temporary storage means, an image data associated with a received element color; and printing means (PRINTER UNIT) which performs transfer of an element color on the basis of the processing result of the image processing means (see Specification, page 2, line 3 – page 3, line 6).

AAPA does not teach however that the printing means gives a color code representing an element color, which is being subjected to transferring.

Moriyama teaches a color printing system (Figure 4) including a printer and a host, wherein a control color data is sent from the printer to the host in order to provide the latter with data needed for color image processing specific to the former. (See Moriyama; paragraph [0017]).

It would have been obvious to one of ordinary skill in the art at the time when the invention was made to modify (complement) AAPA with the teachings of Moriyama because "the color conversion can be performed...." (See Moriyama; paragraph [0014]).

5. Claim 4 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama.

Moriyama discloses a printer (FIG.4) and a scanner (FIG.14) (IMAGE FORMING APPARATUS) that has a ROM (STORAGE MEANS) that holds parameters and control commands (CONTROL DATA) to be used for image processing using the four basic colors (Y, M, C, B). (See paragraph [0040]).

Moriyama does not explicitly disclose that the ROM 411 containing control data and color-conversion control data is a plurality of temporary storage units.

However, the data in RAM 403 is described as temporarily stored to be used by the ROM 411 (see paragraph [0048]). It would have been obvious to one of ordinary skill in the art at the time when the invention was made that described parameters stored in the ROM 411 and transmitted to the host would be stored in the plurality locations in the RAM of the host and used for color processing later in steps 2, 3 (FIG.4).

Art Unit: 2609

6. Claims 2-3 and 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art, either singularly or in combination, teach or fairly suggest an additional temporary storage means to make the storage means a write-enable one with logical sums to calculate the signal that has to be written. No prior art could be found by the examiner that described a dummy color code storage means supplied for storing a dummy color code to switch with the color code sent to the image processing means.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Iriana Cruz whose telephone number is (571) 270-3246. The examiner can normally be reached on M-F 7:30-5:00 East time. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iriana Cruz whose telephone number is (571) 270-1448. The examiner can normally be reached on Monday-Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone

Art Unit: 2609

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC 04/17/2007



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